UNITED NATIONS

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Economic and Social Council

Distr.
GENERAL

E/CN.4/1995/122
7 February 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Item 17 of the provisional agenda

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 1 February 1995 from the Permanent Representative of the Republic of Slovenia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I would like to transmit to you the letter of the Permanent Representative of the Republic of Slovenia to the United Nations in New York, H.E. Dr. Danilo Türk, addressed to the Secretary-General of the United Nations in this capacity as the depositary of multilateral treaties.

As the document entitled "Status of the International Covenants on Human Rights" (E/CN.4/1995/80) referred to in the said letter has been distributed to the Commission on Human Rights, I have the honour to ask you to circulate the position of the Government of the Republic of Slovenia as an official document under item 17 of the agenda of the fifty-first Session of the Commission on Human Rights.

(Signed): Dr. Anton Bebler
Ambassador

New York, 31 January 1995

Upon instructions of my Government, I have the honour to present to you, in your capacity as the depositary of multilateral treaties, the position of Slovenia regarding the document entitled "Status of the International Covenants on Human Rights" dated 28 November 1994 (E/CN.4/1995/80).

The annex to that document deals with the "Status of succession, accession or ratification of human rights treaties by States successors to the former Yugoslavia, the former Soviet Union and the former Czechoslovakia". It refers to "Yugoslavia" as one of the States successors, with "2 June 1971" as the date of receipt of the relevant instruments.

This reference, and in particular the date mentioned, creates an impression of continuing existence of the former Yugoslavia and ignores the fact, authoritatively stated by the Security Council in its resolution 777 (1992), that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist".

In my letter dated 14 January 1994 addressed to you (CERD/SP/52), I presented the position of Slovenia concerning the issue of succession of multilateral treaties by the States successors of the former Yugoslavia. In this connection I would like to reiterate that the successor States of the former Yugoslavia which wish to succeed the predecessor State with respect to an international treaty are bound to notify their succession and that none of them can be regarded as continuing legal personality of the former predecessor State which ceased to exist.

Slovenia supports the view, expressed by the chairpersons of the human rights treaty bodies, that successor States are "automatically bound by obligations under international human rights instruments from the respective date of independence and that observance of the obligations should not depend on a declaration of confirmation made by the Government of the successor State" (para. 10 of the doc. E/CN.4/1995/80).

At the same time, Slovenia wishes to point out that "Yugoslavia" ceased to exist and, consequently, ceased to be a party to the human rights treaties. All of its successor States, including "Federal Republic of Yugoslavia (Serbia and Montenegro)", are new States and can be considered parties to the treaties only on the basis of the notification of succession.

Accordingly, I wish to request that appropriate correction be made in the mentioned and other relevant documents, with a view to accurately reflecting the situation resulting from the dissolution and extinction of the former Yugoslavia.

I would be grateful if you would have the text of this letter circulated as a document of the Economic and Social Council under the agenda item entitled "Human rights questions", and as a document of the Commission of Human Rights, under item 17 of the provisional agenda for its fifty-first session.

(Signed): Dr. Danilo Türk
Ambassador